



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 13, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Andrew Tobias, Treasurer
1996 Democratic National Convention Committee, Inc.
430 South Capitol Street, S.E.
Washington, DC 20003

RE: MURs 5079 and 5080

Dear Mr. Tobias:

On August 22, 2000, in MUR 5080, the Federal Election Commission (the "Commission") found that there is reason to believe that the 1996 Democratic National Convention Committee (the "Committee") and you, as treasurer, failed to report an in-kind contribution from the Democratic National Committee in violation of 2 U.S.C. § 437(2), which is a provision of the Federal Election Campaign Act of 1971, as amended. The Factual and Legal Analysis, which formed a basis for the Commission's reason to believe finding is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act.

In MUR 5080, the Commission also found no reason to believe that the 1996 Democratic National Convention Committee, Inc., and you, as treasurer, violated 2 U.S.C. § 441b in connection with telephone expenses paid on behalf of the Committee by Chicago's Committee for '96 (the "Host Committee"). Furthermore, the Commission found no reason to believe that the Committee and you, as treasurer, failed to report in-kind contributions from the Host Committee and the City of Chicago in violation of 2 U.S.C. § 437(2). Finally, the Commission found no reason to believe that the Committee and you, as treasurer, exceeded the expenditure limitation for publicly financed presidential nominating conventions, in violation of 26 U.S.C. § 9008(d), as a result of receiving in-kind contributions relating to telephone charges and hotel expenses.

In MUR 5079, the Commission found no reason to believe that the 1996 Democratic National Convention Committee, Inc. and you, as treasurer, violated 2 U.S.C. § 441b in connection with telephone expenses paid on behalf of the Committee by the Host Committee. The Commission also found no reason to believe that the Committee and you, as treasurer, failed to report in-kind contributions from the Host Committee in violation of 2 U.S.C. § 437(2). Finally, the Commission found no reason to believe that the Committee and you, as treasurer, exceeded the expenditure limitation for publicly financed presidential nominating conventions, in violation of 26 U.S.C. § 9008(d), as a result of receiving in-kind contributions relating to telephone charges.

The Commission has closed the file in MUR 5079. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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Andrew Tobias
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If you have any questions, please contact Delbert K. Rigsby, the attorney assigned to these matters, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Darryl R. Wold". The signature is written in a cursive, slightly slanted style.

Darryl R. Wold
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel form
Conciliation Agreement

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